

OLSHAN

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July 17, 2024

BY ECF

Honorable Denise L. Cote
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street, Room 1910
New York, NY 10007

Re: Avalon Holding Corp. v. Gentile, et al., Case No. 18-CV-7291 (DLC)(RWL)
New Concept Energy, Inc. v. Gentile, et al., Case No. 18-CV-8896 (DLC)(RWL)

Dear Judge Cote:

We are counsel of record for defendant Guy Gentile in the above-referenced actions. We are not filing an opposition to Plaintiffs' motions to compel. Accordingly, we respectfully request that the Court not require our appearance on the return date of the motions, July 23, 2024, at 11:00 a.m. Apart from the lack of opposition, I have another matter at that time in Supreme Court, New York County.

Respectfully submitted,



Thomas J. Fleming

cc: All counsel of record (via ECF)

Defence counsel is not excused from the appearance on July 23, which date and time was set in a July 9 Order. The parties may confer and determine whether the defendant, his attorney and Plaintiffs' counsel are all available at another time on July 23. Without such an agreement, all are required to appear at 11⁰⁰ am.

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Denise Cote
7/18/24